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VIA FACSIMILE: (571) 273-8300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Richard F. Stockel et al :  
Office of Petitions  
SERIAL NO. : 10/813,462 :  
Petitions Examiner: Frances Hicks  
FILED : March 20, 2004 :  
FOR : FOUNTAIN SOLUTIONS CONTAINING ANTIPIILING  
MACROMOLECULES

RENEWED PETITION UNDER 37 CFR 1.137(b)

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney, acting on behalf of the applicants in a representative capacity pursuant to 37 C.F.R. 1.34 respectfully requests reconsideration of the Decision on Petition mailed March 19, 2007. This request for reconsideration is based upon the enclosure and the comments set forth below.

Applicant Richard F. Stockel submitted a Petition for Revival of an Unintentionally Abandoned Application under 37 C.F.R. 1.137(b) on December 19, 2006. Included with that Petition were the Petition Fee in the amount of \$750, the Issue Fee in the amount of \$700 and the Publication Fee in the amount of \$300 to be paid by credit card. The prior Petition also included a handwritten letter explaining that the failure to pay the Issue and Publication Fees in a timely manner were due to the inadvertent misnumbering (by one digit) of the credit card on the Credit Card Payment Form.

Examiner Hicks, in the decision mailed March 19, 2007 dismissed the prior Petition on the basis that the prior Petition was not in compliance with 37 C.F.R. 1.33(b) which requires that amendments and other papers submitted to the Office must be signed by a registered patent attorney of record or who acts in a representative capacity or by an assignee or by all of the applicants. Since the prior Petition was signed only by Richard F. Stockel, it failed to comply with 37 C.F.R. 1.33(b). Further, the Part B-Transmittal form submitted on August 8, 2006 was also not in compliance with 37 C.F.R. 1.33(b) since it was signed only by Richard F. Stockel.

S.N. 10/813,462

It is respectfully submitted that the foregoing noncompliance with 37 C.F.R. 1.33(b) was inadvertent. In this regard, it is noted that the Petition form recommended for use by the Office, i.e., PTO/SB/64 (09-06), contains room for only one signature and nowhere does the form state that multiple executed copies thereof should be submitted in the case of joint applicants. In a similar vein, Part B - Issue Fee Transmittal contains room for only one signature and this form also fails to indicate that multiple executed copies thereof should be submitted in the case of joint applicants.

Admittedly, a technical violation of Rule 33(b) occurred, but it should be kept in mind that all papers pertaining to the prosecution of this application to allowance had been executed solely by Richard F. Stockel without the benefit of any advice from a registered practitioner. It would behoove the Office to amend its forms to include a statement that in the case of joint applicants, multiple forms signed by each applicant must be submitted or at the least, amend the forms to provide room for more than one signature and state that all applicants must sign the form.

In any event, the noncompliance with Rule 33(b) has now been cured by the enclosures consisting of the Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b) which has been signed by both applicants and Part B - Issue Fee Transmittal which has been signed by both applicants. Since the Office is in receipt of the Petition Fee of \$700 and the Issue/Publication Fee of \$1,000, there appears to be no further reason to deny the Petition and to have the allowed application promptly issue as a patent.

Respectfully submitted,

  
Jack Matalon  
Reg. No. 22,441

Offices of Jack Matalon  
32 Shelley Rd.  
Springfield, NJ

Tel: 973-467-5626  
Fax: 973-921-0817

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8**

I hereby certify that this correspondence consisting of eight pages is being sent by facsimile transmission to the Examiner at 571-273-8300 on March 26, 2007

  
Jack Matalon



PTO-2204 (2-2007)  
Approved for use through 03/26/2007, OASIS 2204-001  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Patent and Trademark Act of 1980, as amended, the following information is required to be included in a petition for a writ of certiorari:

3. Terminal disclaimer with disclaimer fee

☒ Since the subject application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.200)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity, certifying the required period of time is enclosed herewith (see PTO-2204).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a petition under 37 CFR 1.137(a) was unintentional. NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(a) was unintentional (MPEP 711.03(c), subsections (2)(C) and (3)).

**WARNING:**

Failure to comply is sufficient to avoid extending previous information in documents that is a patent application that may contribute to novelty loss. Previous information such as added claims, amendments, best current drawings, or credit card numbers (other than a check or credit card authorization form PTO-2204 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of previous information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such previous information from the documents before submitting them to the USPTO. Petitioners/applicants to submit that the reason of a patent application is available to the public after publication of the application (before a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the reason for an abandoned application may also be available to the public if the application is submitted in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2204 submitted for payment purposes are not included in the publication and therefore are not publicly available.

Richard E. Shuchat 3-26-07  
\_\_\_\_\_  
Date

Richard E. Shuchat  
\_\_\_\_\_  
Typed or printed name

475 Bolling Hill Rd.  
\_\_\_\_\_  
Address

908-722-4247  
\_\_\_\_\_  
Telephone Number

Bridgewater, NJ 08807  
\_\_\_\_\_  
Address

Enclosure: ☐ Fee Payment  
☐ Reply  
☐ Terminal Disclaimer Fee  
☐ Additional sheets containing statements establishing unintentional delay  
☒ Other: Cover Letter

**CERTIFICATE OF Mailing OR TRANSMISSION (37 CFR 1.6(a))**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as that shown sent in an envelope addressed to: Mail Stop Patent, Commissioner for Patents, P.O. Box 1489, Alexandria, VA 22304-0489.

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3/26/2007  
\_\_\_\_\_  
Date

Jack Matalon  
\_\_\_\_\_  
Typed or printed name of person signing certificate

MAR 26 2007

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PTO/USPS (20-02)  
Approved for use through 03/31/2007, Class 0001, 0002  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Terminal Disclaimer of 35 USC, an applicant may elect to file a terminal disclaimer with a claim.

### 3. Terminal disclaimer with disclaimer fee

☒ Since the applicant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.205)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/USPS).

4. **STATEMENT:** The entire duty to file the required reply from the due date for the required reply until the filing of a patentable petition under 37 CFR 1.137(b) was unconditional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the duty to file a petition under 37 CFR 1.137(b) was unconditional (MPEP 711.03(c), subsections (a)(1) and (2)).]

### WARNING:

Failure to comply is considered to be a violation of 35 USC 422(a) in documents filed in a patent application that may contain information that is not patentable. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO/USPS submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, patent applicants should consider removing such personal information from the documents before submitting them to the USPTO. Patent applicants are advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referred to a published application or an issued patent (see 37 CFR 1.94). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not patentable.

Michael C. Matalon  
Signature

March 22, 2007  
Date

Michael C. Matalon  
Typed or printed name

Registration Number, if applicable

2338 Orchard Street, Blvd.  
Address

732-310-2995

Telephone Number

Will, NY 09738  
Address

Endorsement: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements explaining conditional delay

☒ Other: Owner Letter

### CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.6(a))

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☐ Deposited with the United States Postal Service on the date shown below with sufficient postage on first class mail in an envelope addressed to: Mail Stop Patent, Commissioner for Patents, P. O. Box 1480, Alexandria, VA 22313-1480.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8000.

3-26-07  
Date

Signature

Michael C. Matalon  
Typed or printed name of person signing certificate

Page 2 of 2

## PART B - FEE(S) TRANSMITTAL

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Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance order and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "TEE ADDRESS" for maintenance fee applications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

**RICHARD F. STOCKEL**  
**475 ROLLING HILLS ROAD**  
**BRIDGEWATER, NJ 08807**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

**Jack Matalon** (Depositor's name)  
**Jack Matalon** (Signature)  
**March 26, 2007** (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,462	03/30/2004	Richard F. Stockel		4677

TITLE OF INVENTION: FOUNTAIN SOLUTIONS CONTAINING ANTIPIILING MACROMOLECULES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0	\$1000	10/20/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
KOSLOW, CAROL M	1755	106-002000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the names of a single firm (acting as a member or registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. N.A.

2. N.A.

3. N.A.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth to 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first supply any previously paid fees for shown above)

- ☐ A check is enclosed.  
☒ Payment by credit card. Form PTO-2038 is attached. **previously submitted**  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form)

5. Change in Entity Status (From status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party to interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Michael C. Walsh

Date

March 22, 2007

Typed or printed name

Michael C. Walsh

Registration No.

This collection of information is required by 37 CFR 1.311. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is customized to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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## PART B - FEE(S) TRANSMITTAL

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or **Fax** (571)-273-2885

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RICHARD F. STOCKEL  
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Jack Matalon (Depositor's name)  
*Jack Matalon* (Signature)  
March 26, 2007 (Date)

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nonprovisional	YES	\$700	\$300	\$0	\$1000	10/20/2006

EXAMINER	ART UNIT	CLASS-SUBCLAS
KOSLOW, CAROL M	1755	106-002000

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(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 N.A.

2 N.A.

3 N.A.

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Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
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4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.☒ Payment by credit card. Form PTO-2038 is attached. **previously submitted**☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form)

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☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Richard F. StockelDate 3-26-07Typed or printed name Richard F. Stockel

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time with vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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